

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GREGORY CONTE, *et al.*,

Plaintiffs,

v.

Civil Action No. 3:19cv575

**COMMONWEALTH OF
VIRGINIA, *et al.*,**

Defendants.

ORDER

This matter comes before the Court on *pro se* Plaintiffs Gregory Conte and Warren Balogh's (collectively, "Plaintiffs") Motion to Extend Time to Submit Response to Defendants' Motions to Dismiss (the "Motion").¹ (ECF No. 31.) Plaintiffs relate that they "have contacted defense counsel who have agreed not to oppose this motion." (*Id.*) On March 3, 2020, the Filing Defendants² filed nine motions to dismiss Plaintiffs' Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(3), and 12(b)(6).

¹ Federal Rule of Civil Procedure 6 governs extensions of time. Rule 6(b) states in pertinent part: "**(1) *In General.*** When an act may or must be done within a specified time, the court may, for good cause, extend the time: **(A)** with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires" Fed. R. Civ. P. 6(b)(1)(A).

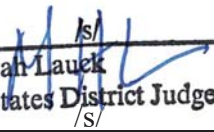
As *pro se* plaintiffs, Plaintiffs typically would have been required to respond to the Filing Defendants' motions by March 24, 2020. However, due to the COVID-19 pandemic Chief U.S. District Judge Mark S. Davis issued General Orders 2020-03 and 2020-07, which among other actions, each granted fourteen-day extensions of time for responsive pleadings. Plaintiffs must file their responses to the Filing Defendants' motions on April 21, 2020. Plaintiffs therefore filed the Motion before their deadline to respond to the pending motions passed.

² The Filing Defendants are as follows: (1) the Commonwealth of Virginia; (2) Terence R. McAuliffe ("the Governor of Virginia"); (3) the Virginia State Police; (4) Steven Flaherty ("a Colonel in the Virginia State Police"); (5) Becky Crannis-Curl ("a Lieutenant in the Virginia State Police"); (6) Brian Joseph Moran ("Secretary of Public Safety and Homeland Security for Virginia"); (7) the City of Charlottesville; (8) Wes Bellamy ("the Vice Mayor of Charlottesville,

In the Motion, Plaintiffs request an additional thirty (30) days “beyond the usual [twenty-one]-day deadline and two fourteen-day extensions granted by [the] Court’s General [O]rders 2020-03 and 2020-07.” (Mot. 1, ECF No. 31.) In support of that request, Plaintiffs explain that “the eruption of COVID-19 and the concomitant Declaration of National Emergency have hindered [P]laintiffs’ efforts to respond to [the Filing] Defendants’ arguments.” (*Id.*) Specifically, Plaintiffs aver that the crisis has required them to undertake “additional family responsibilities,” and that they have been unable to conduct legal research at law libraries due to statewide stay-at-home orders and other closures. (*Id.*)

In light of the circumstances surrounding the outbreak of COVID-19, for good cause shown, and based on the Parties’ agreement, the Court GRANTS the Motion. (ECF No. 31.) Plaintiffs SHALL respond to the Filing Defendants’ motions to dismiss no later than the close of business on May 22, 2020.

It is SO ORDERED.



M. Hannah Lauck
United States District Judge

M. Hannah Lauck
United States District Judge

Date: April 21, 2020
Richmond, Virginia

Va”); (9) the Charlottesville Police Department; and, (10) Al Thomas Jr (“the Chief of Police of the City [of Charlottesville]”). (Compl. ¶¶ 6–12, 15–16, ECF No. 1); (*see* ECF Nos. 8, 10, 14, 16, 18, 21, 23, 26, 28.)